

Order

Entered: October 14, 2003

Michigan Supreme Court Lansing, Michigan

Maura D. Corrigan,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Clifford W. Taylor
Robert P. Young, Jr.
Stephen J. Markman,
Justices

ADM File No. 2003-44

Amendment of Rules 7.302, 9.118,
and 9.122 of the Michigan Court Rules

On order of the Court, the need for immediate action having been found, the notice requirements of MCR 1.201 are dispensed with and the following amendment of Rules 7.302, 9.118, and 9.122 are adopted, effective immediately. MCR 1.201(D).

[Additions are indicated below by underlining and
deletions are indicated by strikeover.]

Rule 7.302 Application for Leave to Appeal

(A) - (B) [Unchanged.]

(C) When to File.

(1) [Unchanged.]

(2) Other Appeals. Except as provided in subrule (C)(4), in other appeals the application must be filed within 42 days in civil cases, or within 56 days in criminal cases,

(a) - (c) [Unchanged.]

However, the time limit is 28 days where the appeal is from an order terminating parental rights or an order of discipline or dismissal entered by the Attorney Discipline Board.

(3) - (6) [Unchanged.]

(D) - (H) [Unchanged.]

Rule 9.118 Review of Order of Hearing Panel

(A) - (C) [Unchanged.]

- (D) Decision. After the hearing on the order to show cause, the board may affirm, amend, reverse, or nullify the order of the hearing panel in whole or in part or order other discipline. A discipline order is not effective until ~~24~~ 28 days after it is served on the respondent unless the board finds good cause for the order to take effect earlier.
- (E) Motion for Reconsideration; Stay. A motion for reconsideration may be filed at any time before the board's order takes effect. An answer to a motion for reconsideration may be filed. The board may grant a stay pending its decision on a motion for reconsideration. If the board grants a stay, the stay remains effective for ~~24~~ 28 days after the board enters its order granting or denying reconsideration. In the absence of an order by the board, the filing of a motion for reconsideration does not stay an order of discipline.
- (F) [Unchanged.]

Rule 9.122 Review by Supreme Court

- (A) Kinds Available; Time for Filing.
- (1) A party aggrieved, including the person who made a request for investigation, by a final order of discipline or dismissal entered by the board on review under MCR 9.118, may apply for leave to appeal to the Supreme Court under MCR 7.302 within ~~24~~ 28 days after the order is entered. If a motion for reconsideration is filed before the board's order takes effect, the application for leave to appeal to the Supreme Court may be filed within ~~24~~ 28 days after the board enters its order granting or denying reconsideration.
- (2) [Unchanged.]
- (B) - (E) [Unchanged.]

Staff Comment: The October 14, 2003 amendments of MCR 7.302, 9.118, and 9.122, effective immediately, adjusted the time limits for filing appeals from Attorney Discipline Board orders of discipline or dismissal, setting the time at 28 days. Adjustments were necessary in light of the amendment of MCR 7.302, effective September 1, 2003, which changed the times for filing other appeals to the Supreme Court.

The staff comment is published only for the benefit of the bench and bar and is not an authoritative construction by the Court.



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 14, 2003

Corbin R. Davis

Clerk